

REMARKS

I. Status of the Claims

Claims 1, 3, and 5-15 are all the claims in the application. By this Amendment, Applicant amends **claims 1, 3, and 5-10** for clarity, cancels **claims 2 and 4** and adds new **claims 11-15**. No new subject matter has been entered. The support for new claims can be found in the specification, for example, on page 7, lines 3-12, and page 3, lines 24-28, and in FIGS. 2 and 3.

II. Preliminary Matters

Applicants thank the Examiner for acknowledging Applicant's claim to foreign priority and confirming receipt of the certified copy of the Priority Document.

Applicant also thanks the Examiner for considering the references listed on forms PTO/SB/08 submitted with the Information Disclosure Statement filed June 16, 2006.

However, the Examiner did not indicate the acceptance of the drawings filed June 16, 2006. **The Examiner is respectfully requested indicate acceptance of the drawings by checking box 10(a) on the PTOL-326 form.**

III. Claims Rejections

A. Claims 1-4 and 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayhurst (U.S. Patent No. 3,156,352) in view of Navarro (U.S. Patent No. 6,589,578), Tuazon (EP 545025), Melnick (GB 1253271), Richards (EP 1201562), Acknin (U.S. Patent No. 5,962,052), and AAPA (Applicant's Admission of Prior Art in background of the current application).

Claim 1 recites among other elements: "first and second compartments which are separated from one another by a pressure-breakable welded seam which extends along an entire width of the bag, ... the bag is formed by ... one layer of polyester barrier and is disposed on an outer face of the bag, and ... one layer of peelable and weldable polyethylene which is disposed on an inner face of the bag."

The Examiner asserts that Richards teaches an outer layer of polyester, inner layers of polyethylene and Surlyn, which the Examiner considers to be a better “peelable” product than polyethylene. (*See* Office Action, page 3, last 5 lines).

Richards describes a top layer of PVDC coated PET, followed by a layer of PE, and a final layer of Surlyn which actually forms the frangible seal. (Col. 12, lines 2-5).

However, according to claim 1, the compartments are separated from one another by a pressure-breakable welded seam. Richards does not teach or suggest the pressure-breakable welded seam. Additionally, Richards teaches the compartments being disposed side-by-side, in a direction of shorter dimensions, with the frangible seal being disposed between the sides 113, 135 common to both compartments.

Richards does not teach “first and second compartments which are separated from one another by a pressure-breakable welded seam which extends along an entire width of the bag, ... the bag is formed by ... one layer of polyester barrier and is disposed on an outer face of the bag, and ... one layer of peelable and weldable polyethylene which is disposed on an inner face of the bag.”

That is, in Richards, the frangible seal cannot open up along the entire common side, making it difficult to mix the components. To the contrary, as claimed, the seam extends along an entire width of the bag. Such seam, when opened, makes the two compartments to become one (as shown in FIG. 3 of the present application). This makes the mixing much easier and much more consistent, for a quality of the resultant product (omelet). This concept is further recited in claims 13-15.

Further, the Examiner relies on Hayhurst to teach a pressure-breakable welded seal. (*See* Office Action, page 2).

Hayhurst describes a container formed by the sheets which are joined by heat seals. The container compartments are separated by heat seals 14. To separate the seals 14, two tabs 13a and 13b are provided on both sides of the container. (Col. 2, lines 13-43).

Therefore, Hayhurst does not teach the compartments which can be separated from one another by a pressure-breakable welded seam. Additionally, Hayhurst only teaches heat seals and heat sealable materials, but is silent regarding welded seals and weldable materials.

Additionally, neither Richards, nor Hayhurst, teaches or suggests the bag formed by a polyester barrier. Such polyester barrier, using barrier properties, makes it possible to create a modified atmosphere, to thereby increase a life of the dried egg housed in the bag. This concept is further recited in new claim 12.

Navarro, Tuazon, and Melnick were relied on by the Examiner to teach the dried eggs. (See Office Action, page 3, lines 1-2). As such, these references do not cure any above-discussed deficiency of Hayhurst or Richards.

Acknin was relied on by the Examiner to teach compartmented containers which store separately dry edibles and water, with a partition therebetween openable to allow the products to mix. (See Office Action, page 3, lines 2-6). As such, Acklin, which describes a removable tong 11 fastened by pins 12 (FIGS. 5 and 6), does not cure any above-discussed deficiency of Hayhurst or Richards.

AAPA was relied on by the Examiner to teach the rupturable compartment divider. (See Office Action, page 3, lines 1-2). As such, AAPA does not cure any above-discussed deficiency of Hayhurst or Richards.

Accordingly, Applicant respectfully submits that the Examiner's proposed combination does not teach or suggest at least "first and second compartments which are separated from one another by a pressure-breakable welded seam which extends along an entire width of the bag, ... the bag is formed by ... one layer of polyester barrier and is disposed on an outer face of the bag, and ... one layer of peelable and weldable polyethylene which is disposed on an inner face of the bag."

It is, therefore, respectfully requested that **claim 1 and dependent claims 3 and 7-10** are patentable.

B. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayhurst, Navarro, Tuazon, Melnick, Richards, Acknin, and AAPA in view of Yiazis (U.S. Patent Application Publication No. 3,156,352).

Claims 5 and 6 depend from claim 1. As shown above, Hayhurst, Navarro, Tuazon, Melnick, Richards, Acknin, and AAPA do not teach all of the features of claim 1. Yiazis does

not cure any above-discussed deficiency of these references. It is, therefore, respectfully submitted that **dependent claims 5 and 6** are patentable at least by virtue of their dependencies.

IV. New Claim

By this Amendment, Applicant adds new **claims 11-15** to claim additional features of the present invention which are not disclosed by the cited references. Applicant submits that claims 11-15 are patentable by virtue of their dependencies and the additional novel features set forth therein.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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